

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814



June 28, 1991

ALL-COUNTY LETTER NO. 91-56

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY GAIN COORDINATORS

SUBJECT: APPLICATION OF THE TWO-YEAR LIMIT FOR SELF-  
INITIATED PROGRAMS (SIPs) IN THE GREATER AVENUES  
FOR INDEPENDENCE (GAIN) PROGRAM - JACOBSON, et al.,  
vs. MCMAHON

REFERENCE: ALL-COUNTY LETTER NO. 90-68

This All-County Letter is issued in response to recent negotiations between the State Department of Social Services (SDSS) and the Western Center on Law and Poverty (WCLP) on the above referenced lawsuit. The WCLP is representing plaintiffs who are seeking retroactive relief because prior to October 1, 1990 County Welfare Departments (CWDs) either: (1) denied initial SIP requests solely because they could not be completed within two years; or (2) required clients to participate in a different GAIN activity if an approved SIP was not completed within the two-year limit regardless of whether such participation would interrupt the completion of the approved SIP.

For purposes of retroactivity, the Department and WCLP have agreed on definitions of four classes of affected individuals whose SIPs were denied because of the incorrect application of the two-year limit as outlined above and specified at Manual of Policies and Procedures Section 42-730.54 prior to October 1, 1990. Those four definitions are:

- (1) All persons whose SIPs were initially disapproved solely on the basis that they could not be completed within two years, and chose to continue in their programs, and refused to participate in GAIN, and were subsequently sanctioned.
- (2) All persons whose SIPs were initially approved, but not completed when they reached the two-year limit, and continued to participate in the SIP, and refused to participate in further GAIN components which would interfere with continuation of the SIP, and were sanctioned.

- (3) All persons who quit SIPs to participate in GAIN in order to avoid sanction based upon either A) an initial disapproval due to the CWD's requirement that a SIP be completed within two years, or B) reaching the two-year limit without completing the program. Providing relief for this group would be limited to those still on aid who were adversely affected by this policy on or since June 1, 1989.
- (4) Persons who were exempt from GAIN registration, volunteered to participate, and whose SIP was not initially approved solely because of the County requirement that the SIP be completed within two years. This does not include persons in Counties which were not accepting exempt volunteers into GAIN prior to October 1, 1990.

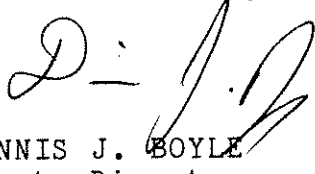
The Department and WCLP are continuing negotiations on retroactive benefits for affected individuals. It is anticipated that only those Counties that incorrectly applied the two-year limit on SIPs will be required to conduct a case identification/notification process. Consequently, Counties need not conduct a case file search at this time. However, Counties should not destroy any relevant files or materials until authorized by SDSS even though the file dates exceed the usual three year file retention requirement. Additionally, in order to minimize future workload impact, we recommend that as case files are routinely processed for other purposes, they be flagged if they indicate that a participant falls within one of the four classes of affected individuals defined above. It should be noted that, in category four above, persons are considered "affected" even if the denial action was not in the form of a written notice. If the case record indicates that such denials were made, then those cases should also be flagged.

In order for the Department to identify and limit the number of Counties that are impacted by this case, all County Welfare Directors must complete, sign and return the enclosed certification form by July 26, 1991. Those Counties certifying to the correct application of the two-year limit must submit copies of written procedures along with the form. The signed form and any attachments is to be mailed to:

Department of Social Services  
GAIN and Employment Services Policy Bureau  
744 P Street, M.S. 6-138  
Sacramento, CA 95814

Counties impacted by this litigation will be provided with further instructions on retroactive relief when the Department and WCLP complete their negotiations.

If you have any questions concerning the information in this letter, please contact your GAIN and Employment Services Operations analyst at (916) 324-6962.

A handwritten signature in dark ink, appearing to read 'D. J. Boyle', is written over the typed name.

DENNIS J. BOYLE  
Deputy Director

Enclosure

cc: CWDA

Jacobson v. McMahon  
County Certification  
June 1991

Application of the Two-Year Limit for  
Self-Initiated Programs (SIPs) in the  
Greater Avenues for Independence (GAIN) Program

Please check the appropriate boxes below and complete the signature block. Check only one Box in A and one Box in B.

- A. Check the box that describes the County's GAIN policy, since GAIN implementation, regarding initial requests for SIP approval.

[ ] The County had a policy of denying approval for SIPs solely on the basis that a SIP could not be completed within two years of the signing of the basic contract. (Check this box if the County had this policy any time since GAIN implementation.)

[ ] The County had a policy of approving SIPs even if the SIP could not be completed within two years of the signing of the basic contract. (If this box is checked, the County must submit all relevant County written SIP policy materials to SDSS. If the County does not have written SIP policy procedures, attach a description of the County's procedures and explain how they are/were communicated to GAIN workers.)

- B. Check the box that describes the County's policy, since GAIN implementation, regarding persons in approved SIPs who received two years of GAIN supportive services but had not completed their education or training programs at the end of the two years.

[ ] County policy required an individual who had completed two years of a SIP and had not completed the education or training program to participate in subsequent GAIN components regardless of whether it interfered with the SIP. (Check this box if the County had this policy any time since GAIN implementation.)

- [ ] County policy required an individual who had completed two years of a SIP and had not completed the education or training program to participate in subsequent GAIN components only if that participation did not interfere with the SIP. (In determining whether a subsequent component would interfere with the SIP, County policy required the consideration of class time, group study time, tutoring, laboratory time, and educational activities necessary to the SIP.) (If this box is checked, the County must submit all relevant County written SIP policy materials to SDSS. If the County does not have written SIP policy procedures, attach a description of the County's procedures and explain how they are/were communicated to GAIN workers.)
- [ ] County policy did not require an individual who completed two years of a SIP to participate in subsequent GAIN components if the individual had not completed the education or training program. (If this box is checked, the County must submit all relevant County written SIP policy materials to SDSS. If the County does not have written SIP policy procedures, attach a description of the County's procedures and explain how they are/were communicated to GAIN workers.)

\_\_\_\_\_  
County

\_\_\_\_\_  
Welfare Director's Signature

\_\_\_\_\_  
Welfare Director's Name (Printed)

\_\_\_\_\_  
Date